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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on the 10th May, 1965:—

BILL No. 37 OF 1965

A Bill further to amend the Delhi Land Reforms Act, 1954.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Delhi Land Reforms (Amendment) Act, 1965.

(2) Sections 23 and 24 shall be deemed to have come into force on the seventh day of April, 1958; and the rest of this Act shall come into force at once.

Amendment of section 6.

2. In clause (b) of section 6 of the Delhi Land Reforms Act, 1954 (hereinafter referred to as the principal Act), for the word and figures "section 36", the words, figures and letter "section 36 or section 65A" shall be substituted.

Delhi Act 8 of 1954.

Amendment of section 33.

3. Section 33 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section and *Explanation* shall be inserted, namely:—

"(2) Nothing contained in sub-section (1) shall preclude the transfer of land by a Bhumidhar who holds less than eight standard acres of land, if such transfer is of the entire land held by him:

Provided that such Bhumidhar may transfer a part of such land to any religious or charitable institution or other person referred to in sub-section (1).

Explanation.—For the purposes of this section, a religious or charitable institution shall mean an institution established for a religious purpose or a charitable purpose, as the case may be.".

Amendment of section 36.

4. In section 36 of the principal Act, in sub-section (1),—

(*a*) in clause (f), the word "or" at the end shall be omitted;

(*b*) clause (g) shall be re-lettered as clause (h), and before the clause as so re-lettered, the following clause shall be inserted, namely:—

"(g) dependent for assistance in agricultural operations on a person serving in the armed forces of the Union and certified by the Deputy Commissioner to be so dependent; or";

(c) in the proviso, for the words, brackets and letters, "clauses (a) to (g)", the words, brackets and letters "clauses (a) to (h)" shall be substituted.

Amendment of section 38.

5. In section 38 of the principal Act, for the word and figures "section 46", the word and figures "section 42" shall be substituted.

Substitution of new section for section 40.

6. For section 40 of the principal Act, the following section shall be substituted, namely:—

Exchange.

"40. (1) Subject to the provisions of section 33, a Bhumidhar may exchange lands held by him as such—

(a) for lands held by any other Bhumidhar as such, or

(b) for lands for the time being vested in a Gaon Sabha or local authority or in Government:

Provided that no such exchange shall be made except with the permission of the Deputy Commissioner, who will refuse permission if the difference between the area of the land

given in exchange and of the land received in exchange in terms of standard acres is more than ten per cent. of the area in standard acres of the land which is smaller in area.

(2) Where the Deputy Commissioner permits exchange, he shall also order the relevant annual register to be corrected accordingly.

(3) On exchange made in accordance with sub-section (1), the parties to such exchange shall have the same rights in the land received in exchange as they had in the land given in exchange.".

Amendment of section 42.

7. In section 42 of the principal Act,—

(*a*) in sub-section (1), for the word and figures "section 33", the words "this Chapter by a Bhumidhar or Asami", for the words "the transferee" in the first place where they occur, the words "the transferee and every person who may have obtained possession of such holding or part" and for the words "Gaon Sabha,", the words "Gaon Sabha or the landholder, as the case may be," shall respectively be substituted;

(*b*) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) **Notwithstanding anything contained in sub-section (1), the Revenue Assistant also may, on receiving information or on his own motion, take action to eject the transferee and every person who may have obtained possession as aforesaid, after following such procedure as may be prescribed.**".

Amendment of section 45.

8. In sub-section (2) of section 45 of the principal Act, for the words, brackets, letter and figures "from the operation of clause (b) of section 33", the words, brackets and figures "under the proviso to sub-section (1) of section 33" shall be substituted.

Omission of section 46.

9. Section 46 of the principal Act shall be omitted.

Amendment of section 47.

10. In section 47 of the principal Act, for the words and figures "In a suit under section 46", the words and figures "under section 42" shall be substituted.

Insertion of new section 65A.

11. After section 65 of the principal Act, the following section shall be inserted, namely:—

Consequences where Bhumidhar

"65A. (1) **Where on the basis of any information received by him or otherwise the Deputy Commissioner has reason to believe that any land included in the holding of a Bhumidhar or Asami**

or Asami leaves land uncultivated.

has not been used for two consecutive agricultural years immediately preceding for a purpose connected with agriculture, horticulture or animal husbandry which includes pisciculture or poultry farming, he may, unless the land lies within the belt referred to in section 23 or unless sanction under that section has been obtained in respect thereof, by notice require—

(i) the Bhumidhar to appear and show cause why the land may not be let out for any such purpose as aforesaid to any person;

(ii) the Asami to appear and show cause why his interest may not be extinguished and the land restored to the Bhumidhar or the Gaon Sabha, as the case may be.

(2) The notice under sub-section (1) shall state the grounds for believing that the land has not been used for any purpose referred to in that sub-section and such other particulars as may be prescribed.

(3) If the Bhumidhar or the Asami appears and satisfies the Deputy Commissioner—

(a) that the land was used for a purpose connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming during the period mentioned in sub-section (1);

(b) that he had sufficient cause for not using it as aforesaid; or

(c) that he shall, within one year next following the date of service of the notice under sub-section (1), use the land for any such purpose as aforesaid unless in the meantime the land is included within any belt referred to in section 23 or the use of the land for industrial purposes is sanctioned under that section,

the Deputy Commissioner shall, in a case falling under clause (a) or clause (b), discharge the notice forthwith and in a case falling under clause (c), postpone further proceedings to a date one year after the date of service of the said notice.

(4) On the date fixed under sub-section (3) or any other date to which the proceedings may be adjourned, the Deputy Commissioner, if he is satisfied that the land has been used for any such purpose as aforesaid during the said period of one year or that the land has been included within the belt referred to in section 23 or that sanction as aforesaid has been obtained in respect thereof, discharge the notice or if he is not so satisfied, unless for reasons to be recorded in writing he allows further time, he shall—

(i) if the land is that of the Bhumidhar, lease it on behalf of the Bhumidhar to any person for a period of five years in such manner and on such terms and conditions as may be prescribed;

(ii) if the land is that of the Asami of the Bhumidhar, terminate the lease and restore the land to the Bhumidhar subject to the condition that the Bhumidhar shall undertake to cultivate the land within six months from the date it is restored to him; and if the Bhumidhar does not give such undertaking or fails, after giving such undertaking, to cultivate the land within the said period, the Deputy Commissioner may lease the land on behalf of the Bhumidhar, to any person for a period of five years in such manner and on such terms and conditions as may be prescribed; and

(iii) if the land is that of the Asami of a Gaon Sabha, terminate the lease and restore the land to the Gaon Sabha:

Provided that the restoration of the land of the Asami under this sub-section shall be without prejudice to any right of the Bhumidhar or Gaon Sabha, as the case may be, to recover any rent due from the Asami.

(5) If the Bhumidhar or Asami appears in response to the notice under sub-section (1) but does not undertake to use the land as provided in clause (c) of sub-section (3), or if the Bhumidhar or Asami does not appear in response to such notice and the Deputy Commissioner, after such inquiry as he may consider necessary, is satisfied that the Bhumidhar or Asami has failed to use the land as aforesaid during the period referred to in sub-section (1), he shall, unless for reasons to be recorded in writing he decides to discharge the notice, take action under clause (i) or clause (ii) or, as the case may be, clause (iii) of sub-section (4).

(6) On the expiry of the period of any lease of land under sub-section (4) or sub-section (5), if the Deputy Commissioner, after making such inquiry as he thinks fit, is satisfied—

(a) that the land has been properly cultivated, he may declare the lessee to be Bhumidhar in respect of such land subject to the payment by him to the original Bhumidhar of compensation equal to twenty times the land revenue then payable for such land either in one lump sum or in such instalments together with interest as may be prescribed and upon such declaration the interest of the original Bhumidhar shall be extinguished;

(b) that the land has not been properly cultivated by the lessee, the Deputy Commissioner shall terminate the lease and may lease the land on behalf of the Bhumidhar, to another person for a period of five years in such manner and on such terms and conditions as may be prescribed and on the expiry of the period of such lease, the provisions of this sub-section shall apply:

Provided that no lease shall be terminated unless the lessee has been given a reasonable opportunity of being heard.

(7) Nothing contained in this section shall apply to a Bhumidhar to whom the provisions of section 65 apply.".

Amendment of section 67.

12. In section 67 of the principal Act, after clause (b), the following clause shall be inserted, namely:—

"(bb) when a declaration in respect of such holding or part is made under clause (a) of sub-section (6) of section 65A,".

Amendment of section 68.

13. In section 68 of the principal Act, after clause (d), the following clause shall be inserted, namely:—

"(dd) where his lease is terminated under clause (ii) or clause (iii) of sub-section (4), or clause (b) of sub-section (6), of section 65A,".

14. In section 75 of the principal Act,— Amendment of section 75.

(*a*) in sub-section (1)—

(*i*) clause (a) shall be re-lettered as clause (aa) and before the clause as so re-lettered, the following clause shall be inserted, namely:—

"(a) persons in the armed forces of the Union and the dependents of such of those persons as are killed in action, special preference being given in the case of persons decorated for gallantry,";

(*ii*) in the first proviso, for the word, brackets and letter "clause (a)", the word, brackets and letters "clause (aa)" and for the word and figures "section 84", the words, brackets and figures "sub-section (1) of section 84" shall respectively be substituted;

(*b*) for sub-section (2), the following sub-sections shall be substituted, namely:—

"(2) **The Deputy Commissioner may, on his own motion, and shall, on the application of any person aggrieved by an order of the Gaon Sabha passed under sub-section (1), enquire in the prescribed manner and if he is satisfied that the Gaon Sabha has acted with substantial irregularity or otherwise than in accordance with the provisions of this Act, he may cancel such order.**

(3) Where the Deputy Commissioner cancels an order relating to admission of a person as Bhumidhar or Asami, the right, title and interest of such person or any person claiming through him shall cease in the land to which the order relates and shall revert to the Gaon Sabha and any person holding or retaining possession of such land after such cancellation shall be deemed to be a trespasser in respect of such land and shall be liable to ejectment in the manner prescribed.".

15. In section 76 of the principal Act, for the figures and word "46, 81, 86 and 87", the figures, letter and word "81, 85, 86, 86A and 87" shall be substituted. Amendment of section 76.

16. Section 77 of the principal Act shall be re-numbered as sub-section (1) thereof and,— Amendment of section 77.

(*a*) in clause (a) of sub-section (1) as so re-numbered, for the word and figures "sections 46", the word and figures "section 42" shall be substituted;

(*b*) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) **Notwithstanding anything contained in sub-section (1), a Bhumidhar referred to in clause (f) of sub-section (1) of section 36 may, on retirement or discharge from the armed forces of the Union or on being sent on Reserve, within six months of such retirement or discharge or of his being sent on Reserve, apply to the Deputy Commissioner for ejectment of the Asami of his land, and the Deputy Commissioner may, after notice to the Asami and subject to such conditions as he may think fit to impose, cause possession of the land to be delivered to such Bhumidhar as soon as possible or, where there are standing crops on such land, within one month of the harvesting of such crops.**".

Amendment of section 80.

17. In section 80 of the principal Act, for the word and figures "section 77", the words, brackets and figures "sub-section (1) of section 77" shall be substituted.

Amendment of section 81.

18. Section 81 of the principal Act shall be re-numbered as sub-section (1) thereof and—

(*a*) in sub-section (1) as so re-numbered, for the word "damage", the word "damages" shall be substituted;

(*b*) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) **Notwithstanding anything contained in sub-section (1), the Revenue Assistant also may, on receiving information or on his own motion, eject the Bhumidhar or Asami, as the case may be, and also recover the damages referred to in sub-section (1), after following such procedure as may be prescribed.**".

Amendment of section 84.

19. Section 84 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) Where any person against whom a decree for ejectment from any land has been executed in pursuance of a suit under sub-section (1) re-enters or attempts to re-enter upon such land otherwise than under authority of law, he shall be presumed to have done so with intent to intimidate or annoy the person in possession or the Gaon Sabha, as the case may be, within the meaning of section 441 of the Indian Penal Code.". 45 of 1860.

20. In section 85 of the principal Act,— Amendment of section 85.

(*a*) in clause (iii), for the word and figures "section 84", the words, brackets and figures "sub-section (1) of section 84" shall be substituted;

(*b*) the following provisos shall be inserted at the end, namely:—

"Provided that if in the revenue records of the fasli year ending on the 30th June, 1954, the land referred to in clause (iii) was not included in the holding of the person taking or retaining possession or his predecessor-in-interest, or was not recorded as being in the cultivation of such person or his predecessor-in-interest, then, notwithstanding the expiry of the aforesaid period of limitation for such suit or decree, the suit may be filed or the decree obtained in such suit may be executed within a period of three years from the date of passing of the Delhi Land Reforms (Amendment) Act, 1965:

Provided further that the benefit of the extension of the period of limitation under the preceding proviso shall not be availed of in any case where a person who has become a Bhumidhar in respect of any land under clause (iii) has transferred such land to another person for valuable consideration before the 10th May, 1965.".

21. After section 86 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 86A.

"86A. **Notwithstanding anything contained in sections 84, 85 and 86, the Revenue Assistant also may, on receiving information or on his own motion, eject any person who is liable to be ejected from any land on a suit of the Gaon Sabha under any of those sections, after following such procedure as may be prescribed.**". Ejectment by Revenue Assistant of persons occupying land without title.

22. In section 138 of the principal Act, the second proviso shall be omitted. Amendment of section 138.

23. In section 150 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely:— Amendment of section 150.

"(3) If the whole of a Gaon Sabha area ceases to be included in rural areas as defined in the Delhi Municipal Corporation Act,

66 of 1957.

1957, by virtue of a notification under section 507 of that Act, the Gaon Sabha constituted for that area shall thereupon stand dissolved and on such dissolution,—

(a) all properties, movable and immovable, and all interests of whatsoever nature and kind therein, including moneys held in Gaon Sabha Area Fund, vested in the Gaon Sabha immediately before such dissolution, shall, with all rights of whatsoever description, used, enjoyed or possessed by such Gaon Sabha, vest in the Central Government;

(b) all duties, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Gaon Sabha before such dissolution shall be deemed to have been incurred, entered into or engaged to be done with or for the Central Government;

(c) all rates, taxes, cesses, fees, rents and other charges due to the Gaon Sabha immediately before such dissolution shall be deemed to be due to the Central Government;

(d) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against the Gaon Sabha may be continued or instituted by or against the Union of India;

(e) the provisions of this Act shall apply in relation to lands in such Gaon Sabha area, not being lands vested in the Central Government under clause (a), subject to the modification that references therein to Gaon Sabha and Gaon Panchayat shall be construed as references to the Central Government;

(f) notwithstanding anything contained in clause (b) of sub-section (2) of section 1, the provisions of sections 84, 85, 86, 86A and 87 and any other provision of this Act relating to ejectment of persons shall apply in relation to lands vested in the Central Government under clause (a) subject to the modification that references therein to Gaon Sabha and Gaon Panchayat shall be construed as references to the Central Government.

(4) If only a portion of a Gaon Sabha area ceases to be included in rural areas as aforesaid, the jurisdiction of the Gaon Sabha constituted for that area shall cease in respect of that portion and upon such cesser, the provisions of clauses (a) to (f) of sub-section (3) shall apply to that portion as if the Gaon Sabha had been constituted for that portion alone and dissolved, subject to such incidental and consequential orders as the Chief Commissioner may deem necessary to make.

(5) If the size of a Gaon Sabha area is reduced as a result of a portion thereof ceasing to be included in rural areas as aforesaid and the Chief Commissioner is of the opinion that the size of the Gaon Sabha area is not sufficiently large to be under the jurisdiction of a separate Gaon Sabha, he may, by notification in the Official Gazette, declare that such Gaon Sabha area shall, from a date to be specified in the notification, cease to be a separate Gaon Sabha area and the Gaon Sabha constituted therefor shall stand dissolved and may direct that the said area shall be included in one or more adjoining Gaon Sabha areas, and thereupon, the provisions of section 3 of the Delhi Panchayat Raj Act, 1954, shall, so far as may be, apply.".

Delhi Act 3 of 1955.

Amendment of section 154.

24. Section 154 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) **Where any land which is vested in the Central Government under sub-section (3) or sub-section (4) of section 150, is held immediately before such vesting by an Asami of a Gaon Sabha, then, notwithstanding anything contained in clause (b) of sub-section (2) of section 1, and so long as it is held by such Asami, the provisions of this Act shall continue to apply to such land subject to the modification that all references therein to Gaon Sabha and Gaon Panchayat shall in relation to such land be construed as references to the Central Government.**".

Insertion of new sections 161A and 161B.

25. After section 161 of the principal Act, the following sections shall be inserted, namely:—

Government of India to be impleaded in certain suits by or against Gaon Sabhas.

"161A. Notwithstanding anything contained in the Code of Civil Procedure, 1908, or any other law for the time being in force,—

5 of 1908.

Delhi Act 3 of 1955.

(a) **no suit or other proceeding under sub-section (2) of section 36 of the Delhi Panchayat Raj Act, 1954, shall, after the date of passing of the Delhi Land Reforms (Amendment) Act, 1965, be instituted or, as the case may be, continued in any civil or revenue court unless the Union of India has been added as a plaintiff or defendant according as the case is by or against the Gaon Sabha;**

(b) no such suit or other proceeding shall be decided on the admission by the Pradhan or any representative of the Gaon Sabha with respect to the right or title of any person

to the property in dispute, whether made on his own motion or on the authority of a resolution of the Gaon Panchayat unless such admission has been authorised in writing by the Director of Panchayats, Delhi, or by such other officer as the Chief Commissioner may specify in this behalf.

Certain decrees and orders to be set aside.

161B. (1) **Where in any suit or proceeding before any civil or revenue court filed under sub-section (2) of section 36 of the Delhi Panchayat Raj Act, 1954, the ownership of any land has been decided in favour of any person other than the Gaon Sabha before the date of passing of the Delhi Land Reforms (Amendment) Act, 1965, then, notwithstanding anything contained in clause (b) of sub-section (2) of section 1 or in any other law for the time being in force, such decree or order shall, on an application made by the Government of India within twelve months from that date or within such further period as the court may, for sufficient cause, allow, be set aside if in the revenue records of the fasli year ending on the 30th June, 1954, such land was not included in the holding of the person in whose favour the decree or order was passed or his predecessor-in-interest, or was not recorded as being in the cultivation of such person or his predecessor-in-interest.**

Delhi Act 3 of 1966.

(2) **On the setting aside of any decree or order in any suit or proceeding by or against the Gaon Sabha under sub-section (1), such suit or proceeding shall be tried or heard afresh with the Union of India added as a party.**".

Amendment of Schedule I.

26. In Schedule I to the principal Act, —

(*a*) **in column 6, for the words "Fifteen annas", wherever they occur, the letters and figures "Rs. 1.25P." shall be substituted;**

(*b*) for the entries against Serial No. 9, the following shall be substituted, namely:—

1	2	3	4	5	6	7	8	9
"9	42	(i) Suit for ejectment of transferee under sub-section (1).	None	None	As in the Court Fees Act, 1870.	Revenue Assistant.	Deputy Commissioner.	Chief Commissioner in the case of Bhumidhar only.
		(ii) Proceedings for ejectment of transferee under sub-section (3).	Do.	Do.	Nil	Do.	Do.	Do.";

(*c*) Serial No. 10 and the entries relating thereto shall be omitted ;

(*d*) after Serial No. 13 and the entries relating thereto, the following shall be inserted, namely:—

1	2	3	4	5	6	7	8	9
"13A	65A	(i) Proceedings for leasing land on behalf of Bhumidhar under clause (i) or clause (ii) of sub-section (4) or under sub-section (5).	Do.	Do.	Nil	Deputy Commissioner.	Chief Commissioner.	..

1	2	3	4	5	6	7	8	9
		(ii) Proceedings for terminating the lease under clause (ii) or clause (iii) of sub-section (4) or under sub-section (5).	None	None	Nil	Deputy Commissioner.	Chief Commissioner.	..
		(iii) Proceedings for declaring the lessee to be Bhumidhar and extinguishing the interest of the original Bhumidhar under clause (a) of sub-section (6).	Do.	Do.	Do.	Do.	Do.	..
		(iv) Proceedings for termination of lease and for fresh lease of land under clause (b) of sub-section (6).	Do.	Do.	Do.	Do.	Do.	..";]

(*e*) for Serial No. 15 and the entries relating thereto, the following shall be substituted, namely:—

1	2	3	4	5	6	7	8	9
"15	75	(i) Application for cancellation of order of Gaon Sabha relating to admission of a person to land.	Six months	From the date of order of Gaon Sabha.	Rs. 1.25P.	Deputy Commissioner.	Chief Commissioner.	..
		(ii) Proceedings by Deputy Commissioner for such cancellation.	Do.	When the Deputy Commissioner first knew of the irregular allotment.	Nil	Do.	Do.	...";

(*f*) against Serial No. 16, for the entries in columns 6, 7 and 8, the entries "Rs. 1.25P.", "Revenue Assistant" and "Deputy Commissioner", and for the figures, brackets and letters "77(a)", "77(b)", "77(c)" and "77(d)", wherever they occur, the figures, brackets and letters "77(1)(a)", "77(1)(b)", "77(1)(c)" and "77(1)(d)" shall respectively be substituted.

(*g*) after Serial No. 16 and the entries relating thereto, the following shall be inserted, namely :—

1	2	3	4	5	6	7	8	9
"16A	77(2)	Application by member of armed forces of the Union for ejectment of Asami.	Six months	From the date of retirement or discharge or of being sent on Reserve.	Rs. 1.25P.	Deputy Commissioner.	..	.. ";

(*h*) for Serial No. 17 and the entries relating thereto, the following shall be substituted, namely :—

1	2	3	4	5	6	7	8	9
"17	81	(i) Suit for ejectment of Bhumidhar or Asami and for damages under sub-section (1).	Three year	From the date of unlawful use of the land.	As in the Court Fees Act, 1870.	Revenue Assistant.	Deputy Commissioner.	..
		(ii) Proceedings under sub-section (2).	Three years or one year from the date of passing of the Delhi Land Reforms (Amendment) Act, 1965, whichever period expires later.	Do.	Nil	Do.	Do.	.. ";

(*i*) against Serial No. 18, for the entry in column 6, the entry "As in the Court Fees Act, 1870" shall be substituted;

(*j*) after Serial No. 19 and the entries relating thereto, the following shall be inserted, namely :—

1	2	3	4	5	6	7	8	9
"19A	85	Suit for ejectment of a person referred to in the first proviso.	Three years	From the date of passing of the Delhi Land Reforms (Amendment) Act, 1965.	Do.	Do.	Do.	.. ";

(*k*) after Serial No. 20 and the entries relating thereto, the following shall be inserted, namely :—

1	2	3	4	5	6	7	8	9
"20A	86A	Proceedings for ejectment of persons occupying land without title.	Same as that provided for a suit under section 84, 85 or 86, as the case may be.	Same as that provided for a suit under section 84, 85 or 86, as the case may be.	Nil.	Revenue Assistant.	Deputy Commissioner.	.. ";

(*l*) against Serial No. 21, for the entry in column 6, the entry "As in the Court Fees Act, 1870" shall be substituted.

Validation of action taken by Deputy Commissioner on behalf of Gaon Sabhas.

27. Notwithstanding any judgment, decree or order of any Court, anything done or any action taken by the Deputy Commissioner, Delhi, before the date of passing of this Act in pursuance of any notification under section 161 of the principal Act in the discharge of any duties or the exercise of any powers or the performance of any functions of the Gaon Sabha or Gaon Panchayat under the principal Act in relation to any land vested in the Central Government under sub-section (3) or sub-section (4) of section 150 of the principal Act as amended by this Act shall be deemed to have been validly and lawfully done or taken on behalf of the Central Government and accordingly if before the said date—

(a) any suit or proceeding is pending in any court to which the Deputy Commissioner and the Gaon Sabha are a party, the Union of India shall be deemed to be substituted therefor in that suit or proceeding; and

(b) where any suit or proceeding has been dismissed on the ground that the Deputy Commissioner and the Gaon Sabha had no *locus standi* to file such suit or proceeding, it shall be restored and continued with the Union of India as having been substituted as a party.

STATEMENT OF OBJECTS AND REASONS

The Delhi Land Reforms Act, 1954, came into force on the 20th July 1954. In the course of implementation of this Act, certain deficiencies in the law have come to notice. The common lands in the rural areas were vested in the Gaon Sabhas under section 154 of that Act. The Gaon Sabhas are responsible for managing and controlling such lands and, in particular, to take steps for removal of encroachments over those lands. Under sections 42, 46 and 81 of the Act, they are also charged with the responsibility of securing the ejectment of persons who acquire lands by transfers in contravention of Chapter III of the Act or who divert agricultural lands for non-agricultural purposes. A number of Gaon Sabhas have, however, failed to effectively discharge these functions. A large number of encroachments on Gaon Sabha lands and transfers in contravention of the law have come to notice. It has, therefore, become necessary to invest the revenue authorities also with necessary powers to supplement the efforts of the Gaon Sabhas in removing encroachments on Gaon Sabha lands and ejecting persons who violate the law.

In a number of cases the Gaon Sabhas have suffered losses on account of admission by the Pradhans or other office-bearers of Panchayats of incorrect claims made by unauthorised occupants of Gaon Sabha lands in suits brought under section 36 of the Delhi Panchayat Raj Act, 1954. It is necessary to devise adequate measures to retrieve such properties and to prevent such losses in future.

After the commencement of the Delhi Municipal Corporation Act, 1957, a number of villages which were under the jurisdiction of Gaon Sabhas have been urbanised and the Delhi Panchayat Raj Act, 1954, has ceased to apply in these areas. However, the Gaon Sabhas being corporate bodies continue to exist in these areas even though they have no panchayat functions. There is no provision in the existing law to wind up these bodies in the urbanised areas but as an interim measure, the management of their properties in those areas has been entrusted to the Deputy Commissioner. It is necessary to make provisions for winding up the Gaon Sabhas in urbanised areas and for the disposal of their assets and liabilities.

The Bill seeks to give effect to the objects mentioned above and also makes provision for certain other matters. The provisions of the Bill are explained in detail in the notes on clauses.

NEW DELHI; G. L. NANDA.

The 30th April, 1965.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. F. 3/11/64-UTL, dated the 4th May, 1965 from Shri Jal Sukh Lal Hathi, Minister of State in the Ministry of Home Affairs to the Secretary, Lok Sabha.]

The President having been informed of the subject matter of the Bill further to amend the Delhi Land Reforms Act, 1954 (Delhi Act 8 of 1954), recommends, under clauses (1) and (3) of article 117 of the Constitution, the introduction and consideration of the said Bill in the Lok Sabha during its current Session.

Notes on clauses

Clause 1.—The need for giving retrospective effect to clauses 23 and 24 of the Bill has been explained against those clauses.

Clause 2.—This makes a change consequent on the introduction of a new section by clause 11.

Clause 3.—Under section 33 of the principal Act, transfer of land by a Bhumidhar by sale, gift or otherwise is prohibited except in certain circumstances, if the result of such transfer is to leave him with less than eight standard acres. This clause makes it clear that if the land already held is less than eight standard acres the restriction shall operate only in regard to transfer of portions of such land but not the entire land.

Clause 4.—Under section 36 of the principal Act, a Bhumidhar who is serving in the Armed Forces of the Union can lease the land to a tenant. When persons who have been assisting their old parents or relatives in agricultural operations join the Armed Forces, such parents and relatives are put to difficulties because they cannot lease the land under the existing law if the land held by them is eight standard acres or more. In some cases this acts as a dis-incentive to able-bodied persons joining the Armed Forces. This clause seeks to remove this difficulty by enabling persons depending for assistance in agricultural operations on those joining the Armed Forces to lease the land to tenants.

Clause 5.—This clause makes an amendment which is consequential to clauses 7 and 9.

Clause 6.—Difficulties are often experienced in constructing roads, irrigation channels and other works of public utility in the rural areas on account of the reluctance of the Bhumidhars to part with the land required for the purpose and because the acquisition proceedings are time-consuming. However they may be inclined to part with the land required for such purposes if they are provided with some other land in exchange. Section 40 of the principal Act stands in the way of such exchange in the case of lands belonging to Gaon Sabhas and other authorities. This clause seeks to remove this difficulty.

Clauses 7, 9 *and* 10.—Under sections 42 and 46 of the principal Act, if a Bhumidhar or an Asami transfers the land in contravention of section 33 or any other provision of Chapter III of the Act, the Gaon

Sabha may file a suit for ejectment of the transferee. On such ejectment, the Gaon Sabha is entitled to take possession of the land under section 72 of the principal Act. Section 42 has been amplified to cover the provisions of section 46 which has, therefore, been omitted by clause 9. Clause 10 makes a consequential change. To supplement the efforts of the Gaon Sabhas to secure ejectment of persons who violate the provisions of the law relating to transfers, clause 7 seeks to confer powers on the Revenue Assistant also to take action to eject such persons. An appeal from the orders of the Revenue Assistant will lie to the Deputy Commissioner and in the case of Bhumidhars a second appeal will lie to the Chief Commissioner. Clause 26(b) of the Bill makes provision in this behalf.

Clause 8.—This makes a change consequential to clause 3.

Clauses 11, 12 *and* 13.—In view of the need for increased food production it is necessary to ensure that no cultivable land is left uncultivated. New section 65A proposed in clause 11 provides that the Deputy Commissioner may, if the land is left uncultivated for two years or more and sufficient cause is not shown for keeping the land uncultivated, lease such land to any person for a period of five years. On the expiry of that period. Bhumidhari right may, if the land is properly cultivated, be conferred on the lessee. If the land is left uncultivated by an Asami, his rights would be extinguished and the Bhumidhar would be required to bring the land under cultivation within six months. If he fails to do so, it would be open to the Deputy Commissioner to lease out the land on behalf of the Bhumidhar.

An appeal will lie to the Chief Commissioner from the decision of the Deputy Commissioner. Provision to this effect has been made in clause 26(d) of the Bill.

Clauses 12 *and* 13 make consequential amendments in sections 67 and 68 of the principal Act.

Clause 14.—To facilitate re-settlement of ex-servicemen, this clause confers on members of the Armed Forces and dependents of such members killed in action, the highest priority in the matter of allotment of vacant or other lands available with the Gaon Sabhas and provides for special preference being given in the case of persons decorated for gallantry.

The power to allot Gaon Sabha land rests with the Gaon Sabhas themselves. In order to ensure that this power is not misused, it has been provided in this clause that the Deputy Commissioner may, if he is satisfied that the Gaon Sabha has acted with substantial irregularity or otherwise than in accordance with the Act, cancel the order of allotment. If any person retains possession of the

land even after such cancellation, he shall be liable to be ejected. An appeal from the order of the Deputy Commissioner will lie to the Chief Commissioner. Provision in this behalf has been made in clause 26(e) of the Bill.

Clause 15.—This clause makes certain changes which are consequential to clauses 7, 9, 20 and 21 of the Bill.

Clause 16.—Under section 36, a Bhumidhar who is a member of the Armed Forces can lease his land but can recover possession thereof on return to civil life, only by a suit under section 77(c) (ii). In order to enable such persons to take to their normal vocation as expeditiously as possible, clause 16 provides that such a person if he needs the land immediately may, instead of filing a suit, apply to the Deputy Commissioner for ejectment of the tenant and that the Deputy Commissioner may eject the tenant after giving notice. If there is any crop standing on the land at that time, the ejectment will be effected within one month of harvesting that crop.

Clause 17.—This clause makes a consequential amendment.

Clause 18.—Under section 81, the Gaon Sabha has to file a suit for ejecting of a person who diverts unauthorisedly agricultural land for non-agricultural purposes. The amendment proposed simultaneously empowers the Revenue Assistant to eject such persons so as to supplement the effort of the Gaon Sabhas. In such cases, an appeal will lie to the Deputy Commissioner as provided in clause 26(h) of the Bill.

Clause 19.—Under section 84, a person who is illegally occupying the land of the Gaon Sabha can be ejected on a suit of the Gaon Sabha and the same process has to be repeated if he re-enters the land after ejectment. To effectively prevent repeated encroachments by the same persons, it is necessary to provide that if a person who is once ejected by a suit re-enters the land, he would be liable to punishment. Accordingly, this clause provides that the person re-entering or attempting to re-enter the land from which he was once ejected shall be presumed to have done so with intent to intimidate or annoy the person in possession or the Gaon Sabha within the meaning of section 441 of the Indian Penal Code.

Clause 20.—Under section 84 of the Act read with S. No. 19 of the First Schedule to the principal Act, a suit for ejectment can be filed under that section within three years from the 1st July following the date of illegal occupation of Gaon Sabha lands. In most

of the cases of encroachment which have come to notice, this period is over and due to the inaction of the Gaon Sabhas the land is still in the possession of the illegal occupants. This clause, therefore, provides for ejectment suits being filed by the Gaon Sabhas in such cases within three years from the date of passing of this Bill. However, where the persons had acquired transferable rights in such lands by virtue of the existing provisions of section 85 and transferred the land for valuable consideration before the date of introduction of this Bill, this remedy cannot be availed of. This position has been made clear in this clause.

Clause 21.—New section 86A proposed in this clause gives concurrent powers to the Revenue Assistant to make an order for ejectment of the trespassers where the Gaon Sabha can file a suit for ejectment under section 84 or 85 or 86. As provided in clause 26(k) of the Bill, appeals from the orders of the Revenue Assistant will lie to the Deputy Commissioner.

Clause 22.—Under section 138 of the Act, a person can be arrested or detained if he has defaulted in the payment of any arrear of land revenue. There are several other kinds of Government dues arrears of which are recoverable as arrears of land revenue but the second proviso to this clause imposes a ban on detention for the recovery of such other arrears. This is creating difficulty in recovering other Government dues. This clause, therefore, seeks to omit the second proviso.

Clause 23.—This clause contains the necessary provisions for winding up the Gaon Sabhas in areas which have been or may hereafter be urbanised. In certain cases, where the area left with a Gaon Sabha, after urbanisation of the rest of its area is too small, it would be necessary to merge the Gaon Sabha with the adjoining Gaon Sabha. Provision has therefore been made in this clause to provide for these contingencies also. As urbanisation had taken place under the Delhi Municipal Corporation Act, 1957, clause 1(2) of the Bill seeks to give retrospective effect to this clause from the date of commencement of the relevant provisions of that Act.

Clause 24.—Under clause 23, all the Gaon Sabha lands in urban areas will vest in the Government and under section 1(2)(b) of the Delhi Land Reforms Act, 1954, these lands will go out of the purview of that Act. However, some of the lands may still be with Asamis of the Gaon Sabhas. In order to protect their interests, this clause seeks to amend section 154 to provide that so long as any such land is held by an Asami, the Delhi Land Reforms Act, 1954 will continue to

apply to such land notwithstanding the fact that it has become Government land. This clause is also proposed to be given retrospective effect for the reasons mentioned against clause 23.

Clause 25.—In order to deal with the problem created by the admission of incorrect claims made by unauthorised occupants of Gaon Sabha lands in suits brought under section 36 of the Delhi Panchayat Raj Act, 1954, new section 161B proposed in this clause empowers Government to apply to the court for setting aside the decree or order within twelve months of the date of passing of this Bill. This power will be available only in those cases where there is *prima facie* evidence that the land concerned was not included in the holding of such occupant in the revenue records for the year ending on the 30th June 1954. When the decree or order is set aside, the suit or proceeding is to be tried afresh after adding Government as a party. New section 161A proposed in this clause provides two safeguards for the future, namely, that in suits under section 36 of the Delhi Panchayat Raj Act, 1954, Government shall be a party and the admission made by Pradhan or any representative of the Gaon Sabha shall not be taken into account unless it is authorised by the Director of Panchayats or any officer authorised in this behalf.

Clause 26.—Certain provisions of this clause have already been explained in the notes on earlier clauses. Other amendments sought to be made by this clause are of a consequential nature except that the opportunity has been availed of to fix the court fee in certain cases at Rs. 1:25 which is the minimum rate now prevailing in the territory, as against the rate of fifteen annas prescribed in the First Schedule to the Act.

Clause 27.—As stated in the Statement of Objects and Reasons, in the urbanised areas the Deputy Commissioner has been entrusted with the task of managing the Gaon Sabha properties. In pursuance of this power, he has taken such action as the Gaon Sabha could have taken and has also filed ejectment suits. As these properties will vest in Government retrospectively, his actions are sought to be validated as having been taken on behalf of the Government. There have been a few instances where suits filed by the Deputy Commissioner for possession of Gaon Sabha lands were dismissed on the ground that he had no *locus standi*. This clause seeks to have such suits restored and continued.

FINANCIAL MEMORANDUM

Clauses 7, 18 and 21 of the Bill confer powers on the Revenue Assistant to take action to eject

(a) persons who have taken possession of lands through transfer in contravention of the provisions of Chapter III of the principal Act;

(b) persons who use agricultural lands for non-agricultural purposes; and

(c) persons who have encroached upon Gaon Sabha lands.

2. Under new section 161B proposed in clause 25 of the Bill, the Government will be empowered to apply for the setting aside of certain decrees and orders in suits and proceedings relating to ownership of lands where the Gaon Sabhas were a party to such suits and proceedings and the matter was decided against those bodies. Also under new section 161A proposed in the same clause and under clause 27 of the Bill, the Government of India would be made a party to suits and proceedings mentioned in those clauses.

3. Under clause 23 of the Bill the Gaon Sabha lands and other assets of the Gaon Sabha in the urbanised areas will vest in the Government. The liabilities of these bodies will also devolve on the Government. In addition, the Government will have to institute suits, prosecutions and other legal proceedings or continue those instituted or which might have been instituted by Gaon Sabhas in these areas. It is estimated that the lands held by the Gaon Sabhas in the urbanised areas are about 2,500 acres valued at about Rs. 185 lakhs. The other assets of these bodies would be about Rs. 56,000. Their liabilities are very negligible.

4. The Bill also seeks to confer additional duties on the Deputy Commissioner—

(a) under clause 11 in regard to lands left uncultivated;

(b) under clause 14 in regard to irregular allotment of lands made by the Gaon Sabhas; and

(c) under clause 16 in the matter of ejecting Asamis of ex-service personnel.

5. The extra work involved in effecting ejectments in pursuance of the powers sought to be conferred on the Revenue Assistant and Deputy Commissioner and in managing the Gaon Sabha properties which would vest in the Central Government and in conducting the litigation would be carried on with the help of the existing staff of the Revenue Department of the Delhi Administration to the extent possible. However, some additional staff may be necessary at the initial stages to deal with the large backlog of cases of transfers in contravention of the provisions of Chapter III of the principal Act, encroachments upon Gaon Sabha lands and the large volume of litigation which may have to be attended to. So far, about 2,843 cases of illegal transfers and 5,271 cases of encroachments on Gaon Sabha lands have come to notice. About 3,300 cases may have to be contested under clauses 23, 25 and 27 of the Bill. It is estimated that an expenditure of Rs. 71,000 may have to be incurred on additional establishment. The cost of litigation may be about Rs. 3·5 lakhs. There will be some recurring expenditure on litigation in cases which may arise in future. It is not possible to estimate precisely the extent of such expenditure. The revenue which the Gaon Sabhas used to realise from the lands in urbanised areas will accrue to Government by virtue of clause 24. This is estimated to be Rs. 2,500 per annum.

6. Provisions of clause 26 in so far as they raise the rate of court fees from 15 annas to Rs. 1·25 in certain cases will yield some extra revenue. It is, however, not possible to precisely estimate the amount of this increase.

MEMORANDUM REGARDING DELEGATED LEGISLATION

New sub-section (3) of section 42, inserted by clause 7 of the Bill, provides that the procedure to be followed by the Revenue Assistant for ejectment of the transferee and every person who may have obtained possession under sub-section (1) of that section shall be in accordance with rules made under the Act. Similarly provision has been made in clauses 14, 18 and 21 that the procedure for ejectment under sections 75, 81 and 86A shall be in accordance with rules made under the Act. Clause 11 inserts new section 65A which provides that the particulars in the notice to be issued under sub-section (1) of that section, the terms and conditions in the lease to be effected by the Deputy Commissioner and the manner of payment of compensation to the original Bhumidhar shall be as per rules made under the Act. New sub-section (2) of section 75 proposed in clause 14 provides that the manner of enquiry by the Deputy Commissioner shall be regulated by rules made under the Act. The matters in respect of which rules are to be made thus relate to procedure and the delegation of legislative power is therefore of a normal character.

S. L. SHAKDHER,
Secretary.

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